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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 LELAND J. BRYANT,

10 Petitioner,

11 v.

12 ISIDRO BACA, et. al,

13 Respondents.  
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Case No.: 3:18-cv-00117-LRH-CBC

**ORDER DISMISSING PETITION**

15 This court directed 28 U.S.C. § 2254 pro se petitioner Leland J. Bryant to show cause and  
16 demonstrate that this petition is timely under 28 U.S.C. § 2244(d)(1)(A) (ECF No. 5). The  
17 responses from both parties as well as the state-court record demonstrate that the petition is  
18 untimely.

19 The state district court filed Bryant's judgment of conviction on May 29, 2007 (exhibit  
20 2).<sup>1</sup> Bryant did not file a direct appeal. On March 30, 2016, almost nine years after the one-year  
21 statute of limitations had run, Bryant filed a state postconviction habeas corpus petition. Exh. 3.  
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<sup>1</sup> Exhibits referenced in this order are exhibits to respondents' response to the show-cause order, ECF No. 12, and are found at ECF No. 13.


1 The Nevada Court of Appeals affirmed the denial of the petition as procedurally barred on July  
2 12, 2017. Exh. 11. Thus, this petition is untimely. Bryant fails to demonstrate that he is entitled  
3 to equitable tolling. He argues in his petition that the Nevada Revised Statutes are invalid and  
4 states that he and/or other inmates researched the issue for many years before filing this federal  
5 petition. This is insufficient to show diligence in pursuing his claims. The court also notes that  
6 his argument about the invalidity of the Nevada statutes is frivolous. In any event, the petition is  
7 dismissed as untimely.

8 **IT IS THEREFORE ORDERED** that the petition is **DISMISSED** with prejudice as  
9 untimely.

10 **IT IS FURTHER ORDERED** that a certificate of appealability is denied.

11 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and close  
12 this case.

13 DATED this 16th day of October, 2018.

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15 LARRY R. HICKS  
16 UNITED STATES DISTRICT JUDGE  
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